

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

v.

DAWANE ARTHUR MALLET,

Movant.

No. 2:02-cr-0416 TLN AC

ORDER

On July 19, 2022, the Ninth Circuit Court of Appeals granted movant's application for authorization to file a second or successive motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 and ordered the application be processed as a § 2255 motion in this court. ECF No. 408. Erin J. Radekin, movant's appointed counsel on appeal, has now filed a motion seeking to expand her appointment to include representation of movant in this court on a second § 2255 motion as authorized by the Ninth Circuit Court of Appeal in case number 18-71553. ECF No. 411. It appearing that expansion of counsel's appointment is appropriate, IT IS HEREBY ORDERED that:

1. The motion to expand the appointment of Erin J. Radekin (ECF No. 411) is GRANTED.

2. Counsel's appointment is expanded to include representing movant on a second § 2255 motion, as authorized by the Ninth Circuit Court of Appeals.

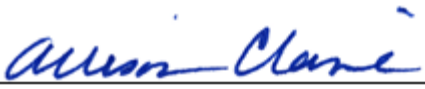
1 3. Within thirty days of the service of this order, movant may file an amended § 2255
2 motion.

3 4. Respondent shall file a response within thirty days of service of the amended motion.
4 In the event no amended motion is filed, respondent shall file a response to the original § 2255
5 motion (ECF No. 409) within thirty days of the expiration of time for filing an amended motion.
6 Respondent shall include with the answer any and all transcripts or other documents relevant to
7 the determination of the issues presented in the motion. Rule 5, Rules Governing Section 2255
8 Proceedings.

9 5. Movant's traverse, if any, is due on or before thirty days from the date respondent's
10 answer is filed.

11 6. The Clerk of the Court shall serve a copy of this order on the United States Attorney
12 or his authorized representative and on the Federal Defender, Attention: Habeas Appointment.

13 DATED: August 4, 2022

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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